

Paul James Toscano, Bar #3280  
Paul Toscano, P.C.  
10 Exchange Place, Ste 614  
Salt Lake City, Utah 84111  
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[ptoscano@expresslaw.com](mailto:ptoscano@expresslaw.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

In re:	Case No.: 12-34498 JTM
CHRIS & ANNETTE GATES	Chapter: 13
Debtors	FILED ELECTRONICALLY

MOTION FOR EARLY PAYOFF OF CHAPTER 13 PLAN

Debtors, by and through their counsel of record, hereby respectfully move this Court for an Order authorizing Debtors to payoff their Chapter 13 Plan early. In support thereof, the Debtors aver as follows:

1. The Debtors filed this Chapter 13 case on November 15, 2012.
2. A confirmation hearing on Debtor's Plan was duly scheduled for December 21, 2012.
3. Debtors' Chapter 13 Plan was confirmed and a Confirmation Order was duly executed by this Court's Order entered on the Court's docket on June 20, 2013 (Docket No. 22).
4. Debtors' Chapter 13 Plan was modified by this Court's Order entered on October 4, 2013 (Docket No. 33).
5. By correspondence dated July 19, 2017 (annexed hereto as Exhibit "A") the

Chapter 13 Trustee informed Debtors and their counsel that the Chapter 13 Plan payoff amount was approximately \$2,220.00 and that, Debtors' payment of this amount on or before August 31, 2017, would "return the amount on allowed, non-priority unsecured claims." The Chapter 13 Trustee also informed the Debtors and their counsel that the Debtors "will need a Court order authorizing the early completion of the plan with unsecured creditors to receive no less than the pro rata share of \$26,343.00." Though the Trustee's letter (Exhibit "A") is not crystal clear, it appears that Debtors' payment of \$2,220.00 prior to August 31, 2017, will "return the amount on allowed, non-priority unsecured claims," which amount is stated in Exhibit "A" as \$26,343.00," which though in sufficient for a 100% return is nevertheless sufficient to complete the plan by its terms.

6. The Debtors' have withdrawn from their retirement account sufficient funds to pay into their Chapter 13 plan the sum of \$2,220.00 prior to August 31, 2017.
7. The Debtors' believe that the early payoff of their Chapter 13 Plan is in the best interest of creditors and parties in interest.
8. The Debtor's have agreed to pay up to an additional \$550 into the Plan, if necessary, in order to cover \$500.00 in Debtors' counsel fees and related Trustee commissions thereon for legal services incurred to achieve the early payoff sought in this Motion and accompanying pleadings and papers.

For these reasons, the Debtors respectfully request the Court to grant their Motion for Early Completion of Chapter 13 Plan.

Dated this 28<sup>th</sup> day of July, 2017

/S/  
Paul Toscano, attorney for Debtors

**CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on July 28, 2017, I electronically filed the foregoing MOTION FOR EARLY COMPLETION OF CHAPTER 13 PLAN with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

- Patti H. Bass ecf@bass-associates.com
- Lon Jenkins tr ecfmail@ch13ut.org, lneebling@ch13ut.org
- Paul James Toscano ptoscano@expresslaw.com, r41549@notify.bestcase.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

**CERTIFICATE OF SERVICE – MAIL, OTHER**

I hereby certify that on July 28, 2017, I caused a true and correct copy of the foregoing MOTION FOR EARLY COMPLETION OF CHAPTER 13 PLAN to all parties listed on the official matrix of this case as of July 28, 2017, except to those listing duplicate addresses on that matrix and those requesting notice via ECF and to:

Wells Fargo Bank, N.A.  
PO Box 10438  
MAC# X2505-036  
Des Moines, IA 50306-0438

\_\_\_\_\_/S/\_\_\_\_\_  
Paul Toscano, attorney for Debtors

**OFFICE OF LON A. JENKINS  
STANDING CHAPTER 13 TRUSTEE  
DISTRICT OF UTAH**

405 South Main Street, Suite 600  
Salt Lake City, Utah 84111

TELEPHONE: (801) 596-2884

TELECOPY: (801) 596-2898

July 19, 2017

**Paul James Toscano  
The Law Office of Paul Toscano, P.C.  
Newhouse Building, Suite 614  
10 Exchange Place  
Salt Lake City, UT 84111**

Re: Chris A. & Annette L. Gates, 12-34498

Dear Counsel:

The payoff in the above-referenced case is approximately \$2,220.00 through August 31, 2017. This amount will return the amount on allowed, non-priority unsecured claims. The amount necessary to return **100%** to unsecured creditors is approximately \$46,030.00 through August 31, 2017.

The debtor has not been in the plan for 60 months, so the debtor will need a Court order authorizing the early completion of the plan with unsecured creditors to receive no less than the pro rata share of \$26,343.00 or 100%.

The above payoff figure includes claims secured by real property that are to be paid by the Trustee through the plan ("Secured Plan Claims"). Subject to the following conditions, the Trustee does not object to the Secured Plan Claims being paid directly from the sale proceeds if necessary to expedite the closing of the transaction: (1) The creditor of a direct-paid Secured Plan Claim must provide the Chapter 13 Trustee with a copy of the payoff check and a court-stamped copy of an amended proof of claim; (2) In the alternative, such creditor may send the Chapter 13 Trustee a letter on its company letterhead with an authorized, original signature stating that the claim filed in this bankruptcy case has been fully satisfied and that no further payments are due. Such letter must include a copy of the creditor's claim filed in the bankruptcy case, and the letter must include a copy of the payoff check. If Secured Plan Claims will be paid directly through this transaction, the Trustee can provide the payoff figure less such claims.

The Chapter 13 Office remains entitled to its commission under 28 U.S.C. § 586 for payments on Secured Plan Claims made by a third person, such as the closing agent. The Trustee's statutory commission in this case has been calculated and included in the payoff figure stated above.

The Trustee has no objection to the early payoff of the bankruptcy case so long as the debtor obtains an appropriate order from the bankruptcy court specifically authorizing the proposed transaction and early payoff.

If you have concerns or questions regarding this letter please contact your attorney.

Sincerely,  
/S/  
Cassandra Post  
Internal Auditor

cc: Chris A. & Annette L. Gates

Exhibit "A"

Label Matrix for local noticing  
1088-2  
Case 12-34498  
District of Utah  
Salt Lake City  
Fri Jul 28 11:59:38 MDT 2017

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(p)AMERICREDIT FINANCIAL SERVICES DBA GM FINAN  
PO BOX 183853  
ARLINGTON TX 76096-3853

AT&T Universal Card  
PO BOX 6500  
Sioux Falls, SD 57117-6500

Absolute Resolutions Corp.  
Care of Recovery Management Systems Corp  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Patti H. Bass  
3936 E. Ft. Lowell Road  
Suite 200  
Tucson, AZ 85712-1083

Bonneville Collections  
PO Box 150621  
Ogden, UT 84415-0621

CHESWOLD (OPHRY), LLC  
C O WEINSTEIN AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

Cach, LLC  
4340 South Monaco, 2nd Floor  
Denver, CO 80237-3485

Capital One Bank (USA), N.A.  
P.O. Box 71083  
Charlotte, NC 28272-1083

Capital One, N.A.  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Road, Suite #200  
Tucson, AZ 85712-1083

Citibank  
P.O. Box 6406  
The Lakes, NV 88901-6406

Denovus Corporation  
480 Johnson Rd., Suite 110  
Washington, PA 15301-8936

EOS CCA  
PO BOX 556  
Norwell, MA 02061-0556

Enhanced Recovery Company, LLC  
8014 Bayberry Road  
Jacksonville, FL 32256-7412

Annette Lee Gates  
13275 South Minuteman Drive, #144  
Draper, UT 84020-7987

Chris Alan Gates  
13275 South Minuteman Drive, #144  
Draper, UT 84020-7987

Global Credit and Collection Corp.  
300 International Drive  
PMB #10015  
Buffalo, NY 14221-5783

HSBC Retail Services  
PO BOX 49353  
San Jose, CA 95161-9353

IHC Health Services  
3930 West Parkway Blvd.  
Salt Lake City, UT 84120-6300

Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19101-7346

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

Lon Jenkins tr  
405 South Main Street  
Suite 600  
Salt Lake City, UT 84111-3408

John C. Bonewicz, P.C.  
350 North Orleans Street  
Suite 300  
Chicago, IL 60654-1607

Joshua S. Mirel  
111 North Higgins, Suite 400  
Missoula, MT 59802-4401

Larsen Law Firm PLLC  
Executive Plaza - Suite 2J  
121 Fourth St. N., PO BOX 1692  
Great Falls, MT 59403-1692

McGuigan Law Office, LLC  
311 Veterans Highway  
Suite 100 A  
Levittown, PA 19056-1422

Monarch Recovery Management, Inc.  
PO BOX 16119  
Philadelphia, PA 19114-0119

Paul Toscano, P.C.  
Newhouse Building, Suite 614  
10 Exchange Place  
Salt Lake City, UT 84111-5120

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Paul James Toscano  
The Law Office of Paul Toscano, P.C.  
Newhouse Building, Suite 614  
10 Exchange Place  
Salt Lake City, UT 84111-5120

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

United States Trustee  
Ken Garff Bldg.  
405 South Main Street  
Suite 300  
Salt Lake City, UT 84111-3402

Utah State Tax Commission  
210 North 1950 West  
Salt Lake City, UT 84134-9000

Verizon Wireless  
PO Box 26055  
Minneapolis, MN 55426-0055

WF Financial Cards  
CSCL DSP TM MAC N8  
PO BOX 14517  
Des Moines, IA 50306-3517

Wells Fargo Bank  
Overdraft Recovery Payment Pro. Dept.  
A0143-042  
P.O. Box 63491  
San Francisco, Ca 94163-0001

Wells Fargo Bank N.A.  
PO Box 10438  
MAC# X2505-036  
Des Moines, IA 50306-0438

Wells Fargo Bank, N.A.  
P.O. Box 54180  
Los Angeles, CA 90054-0180

Wells Fargo Card Service  
PO BOX 14517  
Des Moines, IA 50306-3517

Wells Fargo Consumer Credit Solutions  
PO BOX 9210  
Des Moines, IA 50306-9210

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AmeriCredit  
P.O. Box 78143  
Phoenix, AZ 85062

Jefferson Capital Systems LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-9617

Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk VA 23541

U.S. Bank  
Mail Location Cn-Wn-15  
425 Walnut Street  
Cincinnati, OH 45202

(d)US BANK N.A.  
BANKRUPTCY DEPARTMENT  
P.O. BOX 5229  
CINCINNATI, OH 45201-5229

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Capital One, N.A.  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Road, Suite #200  
Tucson, AZ 85712-1083

End of Label Matrix	
Mailable recipients	39
Bypassed recipients	1
Total	40